IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-09-2006

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.27175 of 2006

N.Durairajan .. Petitioner

Vs

1.The Special Commissioner and Director of
Survey and Settlement
"Survey House"
Chepauk
Chennai - 600 005.

2.The Additional Director of Survey and Land Records
Office of the Special Commissioner and Director of
Survey and Settlement
"Survey House", Chepauk
Chennai - 600 005. .. Respondents

Petition filed under Article 226 of Constitution of India for the issuance of Writ of mandamus directing the respondent to consider and pass orders on the appeal dated 26.02.2001 preferred against the order of punishment imposed by the second respondent in and by his proceedings Na.Ka.No.La2/10471/99(LS) dated 14.11.2000 within a limited time frame as deem fit.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.Edwin Prabakar
Government Advocate

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O R D E R

The petitioner was working as a Deputy Inspector of Survey. While so, the Assistant Director of Survey and Land Records by his Pro.Na.Ka.No.G3/165/98 dated 28.01.98 issued charged memo under Rule 17(B) of the Tamil Nadu Civil Services, for which the petitioner gave an explanation on 15.06.98. Thereafter enquiry was conducted and the second respondent has passed an order of punishment of stoppage of increment for a period of six months with cumulative effect.

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2. As against the order of the second respondent, the petitioner has filed an appeal to the first respondent on 26.02.2001.

3. When this matter came up for admission, this Court has directed the learned Government Advocate to find out as to whether appeal preferred by the petitioner dated 26.02.2001 is still pending. The learned Government Advocate would submit that as per his instructions there is no appeal, dated 26.02.2001, is pending. It was in those circumstances, a direction was given by this Court to the learned counsel for the petitioner to produce a copy of the appeal.

4. Today the learned counsel for the petitioner has produced a copy of appeal dated 26.02.2001 which has been received by the office of the Tahsildar on 26.02.2001 by acknowledgment with seal. It is also verified by the learned Government Advocate. In view of the same, the learned Government Advocate would submit that the petitioner may be directed to send a copy of the said appeal to the first respondent, so as to enable the first respondent to consider the same and pass appropriate orders.

5. In view of the submission made by the learned Government Advocate, the petitioner is directed to send a copy of the appeal dated 26.02.2001 to the first respondent along with the Xerox copy of the grounds of appeal duly acknowledged by the office of Tahsildar on 26.02.2001 within a period of 10 days from the date of receipt of copy of this order. On receipt of the said appeal, the first respondent shall consider the same and pass appropriate orders in accordance with law within a period of 8 weeks thereafter. With the above observations, the writ petition is disposed of. No costs.

jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Special Commissioner and Director of
Survey and Settlement
"Survey House"
Chepauk
Chennai - 600 005.

2.The Additional Director of Survey and Land Records
Office of the Special Commissioner and Director of
Survey and Settlement
"Survey House", Chepauk
Chennai - 600 005.

1 cc to Mr.M.Ravi, Advocate, SR.42442
1 cc to the Government Pleader, SR.42610

pv (co)

dv/14.9.06

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